

SealedPublic and unofficial staff access
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prohibited by court order.UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISIONUnited States District Court
Southern District of Texas
FILED

MAY 28 2019

UNITED STATES OF AMERICA

§

vs.

§

CRIMINAL NO.

BENITO BARRIENTEZ

§

DAMIAN ORTIZ

EXY ADELAIDA GOMEZ

David J. Bradley, Clerk of Court

B-19-520**SEALED
INDICTMENT**

THE GRAND JURY CHARGES:

COUNT 1**INTRODUCTION****At all times material to this indictment:**

The "El Valle Detention Center" (EVDC) is an immigration detention facility located in Raymondville, Texas, and operated by the Management and Training Corporation (MTC) under contract with Immigration and Customs Enforcement (ICE) to detain alien immigrants awaiting disposition of immigration cases and/or removal from the United States (U.S.).

The "Willacy County Regional Detention Center" (WCRDC) is a detention facility located in Raymondville, Texas. WCRDC houses federal inmates detained by ICE and by the United States Marshals Service.

The "Port Isabel Detention Center" (PIDC) is an immigration detention facility located in Los Fresnos, Texas, operated by ICE, where alien immigrants are detained while awaiting disposition of immigration cases and/or removal from the U.S..

MTC is a private security company that provides and manages detention and security services under contract with ICE to house ICE immigration detainees. MTC's

employees operate and act for, or on behalf of, ICE in official functions under the authority of the department or agency. MTC provides services to EVDC and WCRDC.

ICE detains alien immigrants at facilities such as EVDC and PIDC, while said aliens await further criminal or administrative processing for removal or release pending further hearings.

"Alien Detainee Roster Lists" (Detainee Roster or Detainee Rosters) contain names, dates of birth, country of origin, and "A numbers" of alien detainees, as well as housing assignments. Detainee Rosters are law enforcement sensitive and are for official use only, intended to be utilized by facility employees in the course of their official duties. Removal of Detainee Rosters from ICE detention facilities is strictly prohibited.

BENITO BARRIENTEZ ("BARRIENTEZ"), defendant herein, was employed by MTC assigned to the WCRDC located in Raymondville, Texas, as a Classification Clerk.

DAMIAN ORTIZ ("ORTIZ"), defendant herein, was employed by MTC assigned to the WCRDC located in Raymondville, Texas, as a Senior Program Director.

EXY ADELAIDA GOMEZ ("GOMEZ"), defendant herein, was employed by MTC assigned to the EVDC located in Raymondville, Texas, as a Detention Officer.

PERSON "A" is an attorney licensed to practice in the state of Texas with a practice in the Rio Grande Valley, and who paid money to the co-conspirators in return for receiving Detainee Rosters; and who would visit, or instruct others to visit, said aliens for the purpose of hiring PERSON "A's" law firm as their attorney in immigration proceedings.

THE CONSPIRACY

From on or about February 10, 2018, to on or about February 6, 2019, in the Southern District of Texas and within the jurisdiction of the Court, Defendants,

**BENITO BARRIENTEZ,
DAMIAN ORTIZ,
and
EXY ADELAIDA GOMEZ,**

did knowingly and willfully conspire and agree with each other, and with persons known and unknown to the Grand Jurors, to violate Title 18, United States Code, Sections 201(b)(1)(C) and 201(b)(2)(C), that is, the object of their conspiracy and agreement was to corruptly give, offer, and promise a thing of value to a public official, with intent to induce the public official to do an act in violation of official duty, and also to corruptly demand, seek, receive, accept, and agree to receive and accept something of value personally, in return for being induced to do an act in violation of official duty.

MANNER AND MEANS OF THE CONSPIRACY

It was a part of the conspiracy that:

Defendants **BARRIENTEZ, ORTIZ, GOMEZ**, and others obtained Detainee Rosters from EVDC and PIDC detention facilities.

Defendants **BARRIENTEZ** and **ORTIZ** would provide the Detainee Rosters to **PERSON "A"** or to others as directed by **PERSON "A."**

PERSON "A" would pay **ORTIZ** and **BARRIENTEZ** for the Detainee Rosters they would provide.

PERSON "A" would provide **ORTIZ** and **BARRIENTEZ** money to pay other conspirators who also provided Detainee Rosters.

PERSON "A," or others at his direction, would then visit alien immigrant detainees at detention facilities seeking employment in immigration matters.

OVERT ACTS

1. On or about January 4, 2019, BARRIENTEZ called GOMEZ requesting she obtain the EVDC Detainee Roster to give to an attorney (PERSON "A") and in return he would pay her \$300.
2. On January 9, 2019, BARRIENTEZ called GOMEZ to say he had discussed her payment with PERSON "A" and ORTIZ; all agreed that she would instead get paid \$500 for the EVDC Detainee Roster.
3. On January 9, 2019, GOMEZ obtained the EVDC Detainee Roster while at work at EVDC.
4. On January 9, 2019, GOMEZ and BARRIENTEZ met at a parking lot in Harlingen, Texas, where GOMEZ gave the EVDC Detainee Roster to BARRIENTEZ who then paid her \$500.
5. On January 9, 2019, BARRIENTEZ and ORTIZ met at a parking lot in Lyford, Texas, where BARRIENTEZ gave the EVDC Detainee Roster to ORTIZ.
6. In the afternoon of January 9, 2019, ORTIZ, at the direction of PERSON "A," delivered the EVDC Detainee Roster to another individual in Weslaco, Texas. This individual then paid ORTIZ \$350 for the EVDC Detainee Roster.
7. On the evening of January 9, 2019, BARRIENTEZ obtained a Detainee Roster for PIDC from GOMEZ. BARRIENTEZ then paid GOMEZ \$200 for the PIDC Detainee Roster.

8. On January 10, 2019, ORTIZ obtained the PIDC Detainee Roster from BARRIENTEZ.
9. On January 10, 2019, ORTIZ gave BARRIENTEZ \$400 for the PIDC Detainee Roster.
10. On January 14, 2019, PERSON "A" sent a text message to ORTIZ that he would purchase the PIDC Detainee Roster for \$1,000.
11. On January 14, 2019, PERSON "A" met with ORTIZ and had him drive to a location where PERSON "A" took possession of the PIDC Detainee Roster and then had another individual give ORTIZ a "red gift bag" containing \$1,000.
12. On or about January 15, 2019, at the direction of PERSON "A," an individual associated with PERSON "A's" law firm visited JFB (initials), a Honduran national detained at EVDC, for the purpose of convincing JFB to hire PERSON "A's" law firm in an immigration matter.
13. On January 22, 2019, PERSON "A" met with ORTIZ to discuss PERSON "A's" continuing efforts to receive Detainee Rosters, steps to prevent discovery of said purchases, and where the money transfers would occur.
14. On January 22, 2019, PERSON "A" sent a text message to ORTIZ to inform him an individual, at the direction of PERSON "A", would be delivering money to ORTIZ' residence.
15. On January 23, 2019, an individual, at the direction of PERSON "A", delivered \$500 to ORTIZ' residence.

16. On January 31, 2019, PERSON "A" sent a text message to ORTIZ to encourage ORTIZ to continue efforts to obtain Detainee Rosters which would be paid for, and that money would be placed under a flower pot at ORTIZ' residence.

17. January 31, 2019, an individual, at the direction of PERSON "A", placed \$670 under a flower pot at ORTIZ' residence.

In violation of Title 18, United States Code, Section 371.

COUNT 2

On or about January 9, 2019, in the Southern District of Texas and within the jurisdiction of the Court, Defendant,

BENITO BARRIENTEZ,

did, directly and indirectly, corruptly give, offer, and promise a thing of value to a public official, with intent to induce the public official to do an act in violation of his/her official duty, that is, defendant gave \$500.00 to a Detention Officer, a public official employed at the EVDC, and in return the public official provided defendant with a EVDC Detainee Roster containing law enforcement sensitive data, including names, dates of birth, country of origin, "A-numbers", and housing assignments of alien detainees.

In violation of Title 18, United States Code, Sections 201(b)(1)(C) and Title 18, United States Code, Section 2.

COUNT 3

On or about January 9, 2019, in the Southern District of Texas and within the jurisdiction of the Court, Defendant,

BENITO BARRIENTEZ,

did, directly and indirectly, corruptly give, offer, and promise a thing of value to a public official, with intent to induce the public official to do an act in violation of his/her official

duty, that is, defendant gave \$200.00 to a Detention Officer, a public official employed at EVDC, and in return the public official provided defendant with a PIDC Detainee Roster containing law enforcement sensitive data, including names, dates of birth, country of origin, "A-numbers", and housing assignments of alien detainees..

In violation of Title 18, United States Code, Sections 201(b)(1)(C) and Title 18, United States Code, Section 2.

COUNT 4

On or about January 10, 2019, in the Southern District of Texas and within the jurisdiction of the Court, Defendant,

DAMIAN ORTIZ,

did, directly and indirectly, corruptly give, offer, and promise a thing of value to a public official, with intent to induce the public official to do an act in violation of his official duty, that is, defendant gave \$400.00 to a Classification Clerk, a public official employed at the WCRDC detention facility, and in return the public official provided defendant with a PIDC Detainee Roster containing law enforcement sensitive data, including names, dates of birth, country of origin, "A-numbers", and housing assignments of alien detainees.

In violation of Title 18, United States Code, Sections 201(b)(1)(C) and Title 18, United States Code, Section 2.

COUNT 5

On or about January 9, 2019, in the Southern District of Texas and within the jurisdiction of the Court, Defendant,

EXY ADELAIDA GOMEZ,

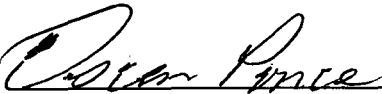
a public official, employed as a Detention Officer at EVDC, directly and indirectly did corruptly demand, seek, receive, accept, and agree to receive and accept something of value personally, in return for being induced to do an act in violation of her official duty, that is, defendant demanded, received, and accepted \$500.00 from a person, and in return provided said person a EVDC Detainee Roster containing law enforcement sensitive data, including names, dates of birth, country of origin, "A-numbers", and housing assignments of alien detainees..

In violation of Title 18, United States Code, Sections 201(b)(2)(C) and Title 18, United States Code, Section 2.

A TRUE BILL:

FOREPERSON OF THE GRAND JURY

RYAN K. PATRICK
UNITED STATES ATTORNEY


Oscar Ponce
Assistant United States Attorney